

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COLE'S WEXFORD HOTEL, INC.,)
on its own behalf and on behalf of all)
others similarly situated,) Civil Action No. 10-1609
)
Plaintiffs,)
v.)
)
HIGHMARK INC.,)
)
Defendant.)
)
)

ORDER

AND NOW, this 21st day of January, 2020, for the reasons set forth on the record at the hearing on January 21, 2020, the court **HEREBY DENIES** the objections filed by plaintiff Cole's Wexford Hotel, Inc. (ECF No. 699) to the Report and Recommendation ("R&R") (ECF No. 692) issued by the Special Master in this case;

IT IS FURTHER ORDERED that the objections filed by defendant Highmark, Inc. ("Highmark") (ECF Nos. 698, 700) to the R&R are **GRANTED** to the extent the court rejects the first two sentences of the second full paragraph on page 63 of the R&R, which read as follows:

Having reviewed declarations and having heard oral argument, and having asked clarifying factual questions of the requesting parties, the Special Master observes that the 2002 Master Agreement reflected one business paradigm, where Highmark and UPMC appear to have agreed to stay in their own lane of business for ten years—Highmark would offer insurance and UPMC would offer health care provider services. That paradigm has essentially ended;

IT IS FURTHER ORDERED that the R&R is adopted as the opinion of the court, subject to the court's insertion of the following two sentences at the beginning of the second full paragraph on page 63 of the R&R:

The Special Master observes plaintiff's view of the 2002 Master Agreement is that it reflected one business paradigm, where Highmark and UPMC appear to have agreed to stay in their own lane of business for ten years—Highmark would offer

insurance and UPMC would offer health care provider services. If that paradigm existed, it has essentially ended;

IT IS FURTHER ORDERED that Highmark's objections are **DENIED IN ALL OTHER RESPECTS.**

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Senior United States District Court Judge